**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3695**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. B. Newton, Wooten, Felder, O'Neal, McCravy, Nutt, Gagnon, Davis, M.M. Smith, Leber, Ligon, Forrest, Taylor, Hixon, Hiott, Hyde, McGinnis, Hardee, Bustos, Ballentine, Gatch, Kilmartin, Blackwell, Erickson, Bradley, McCabe, B.J. Cox, Sandifer, Thayer, Haddon, Elliott, Oremus, Pace, Magnuson, Willis, Bannister, Hewitt, Herbkersman, Crawford, Guest, Trantham, West, Landing, Vaughan, Long, Chapman, Hartnett, Pope, W. Newton, Hager, S. Jones, Calhoon and T. Moore

Companion/Similar bill(s): 403, 767, 3161, 3472, 3685

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Introduced in the House on January 12, 2023

Currently residing in the House

Summary: Voter registration, party affiliation

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/12/2023 House Introduced and read first time (House Journal‑page 340)

 1/12/2023 House Referred to Committee on **Judiciary** (House Journal‑page 340)

 1/18/2023 House Member(s) request name added as sponsor: Wooten

 2/8/2023 House Member(s) request name added as sponsor: Felder,
 O'Neal, McCravy, Nutt, Gagnon, Davis, M.M.
 Smith, Leber

 2/9/2023 House Member(s) request name added as sponsor: Ligon,
 Forrest, Taylor, Hixon, Hiott

 2/15/2023 House Member(s) request name added as sponsor: Hyde,
 McGinnis, Hardee, Bustos, Ballentine, Gatch

 2/16/2023 House Member(s) request name added as sponsor:
 Kilmartin, Blackwell

 2/21/2023 House Member(s) request name added as sponsor:
 Erickson, Bradley

 2/23/2023 House Member(s) request name added as sponsor: McCabe

 2/28/2023 House Member(s) request name added as sponsor: B.J. Cox

 3/1/2023 House Member(s) request name added as sponsor:
 Sandifer, Thayer, Haddon, Elliott, Oremus,
 Pace, Magnuson, Willis, Bannister, Hewitt,
 Herbkersman, Crawford, Guest

 3/2/2023 House Member(s) request name added as sponsor:
 Trantham, West

 3/28/2023 House Member(s) request name added as sponsor: Landing,
 Vaughan

 3/29/2023 House Member(s) request name added as sponsor: Long,
 Chapman, Hartnett

 4/4/2023 House Member(s) request name added as sponsor: Pope

 4/6/2023 House Member(s) request name added as sponsor: W. Newton

 4/18/2023 House Member(s) request name added as sponsor: Hager,
 S. Jones

 4/25/2023 House Member(s) request name added as sponsor: Calhoon

 5/9/2023 House Member(s) request name added as sponsor: T. Moore

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**VERSIONS OF THIS BILL**

[01/12/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3695_20230112.docx)

A bill

to amend the South Carolina Code of Laws by adding Section 7‑5‑200 so as to, among other things, provide that an elector must be registered as a member of a certified political party for a certain period of time prior to the date of that party’s partisan primary or advisory referendum in order to participate, and require that voter registration applications allow an applicant to indicate a preference to be affiliated with a certified political party; by amending Sections 7‑5‑170 and 7‑5‑185, BOTH RELATING TO APPLICATIONS FOR VOTER REGISTRATION, both so as to include INFORMATION on such applications REGARDING AN APPLICANT’S POLITICAL PARTY AFFILIATION; and by amending Section 7‑13‑40, relating to THE CERTIFICATION OF NAMES BY A POLITICAL PARTY TO BE PLACED ON PRIMARY BALLOTS, so as to ALLOW A POLITICAL PARTY TO REQUIRE A PERSON TO BE REGISTERED AS AFFILIATED WITH THE PARTY for a certain period of time in order TO APPEAR AS A CANDIDATE ON THE PRIMARY BALLOT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 3, Chapter 5, Title 7 of the S.C. Code is amended by adding:

 Section 7‑5‑200. (A) An elector must either be registered as a member of a certified political party or as unaffiliated with a certified political party forty‑five days prior to the date of a partisan primary or advisory referendum held by that party in order to participate. In no event may an elector registered as a member of a certified political party vote in the partisan primary election or advisory referendum of another certified political party with which that elector is not registered.

 (B) An application for voter registration, regardless of form, must provide a place for the applicant to indicate a preference to be affiliated with a certified political party, or a preference to be an unaffiliated voter. If an applicant fails to declare a preference for a certified political party or for unaffiliated status, the applicant must be assigned an unaffiliated status unless the applicant is already registered in the county as affiliated with a certified political party. A registered elector’s status as affiliated with a certified political party or as unaffiliated may not be changed except by written request or confirmation of the elector.

 (C) A registered elector who wishes to have the record of his affiliation with a certified political party or unaffiliated status on his registration changed may indicate and submit the change on an application for voter registration or other form for updating an elector’s registration record as may be approved by the State Election Commission.

 (D) The State Election Commission shall ensure each registered elector’s political party affiliation or unaffiliated status is captured in the statewide voter registration file and poll books or precinct lists, as appropriate.

SECTION 2.A. Section 7‑5‑170(2) of the S.C. Code is amended to read:

 (2) Form of application. ‑ The application must be on a form prescribed and provided by the executive director and shall contain the following information: name, sex, race, social security number, date of birth, residence address, mailing address, telephone number of the applicant, political party affiliation or unaffiliated status, and location of prior voter registration. The applicant must affirm that he is not under a court order declaring him mentally incompetent, confined in any public prison, has never been convicted of a felony or offense against the election laws, or if previously convicted that he has served his entire sentence, including probation and parole time, or has received a pardon for the conviction. Additionally, the applicant must take the following oath: “I, do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next ensuing election, I will have attained the age of eighteen years and am a resident of South Carolina, this county, and of my precinct. I further swear (or affirm) that the present residence address listed herein is my sole legal place of residence, that I claim no other place as my legal residence, and that, to my knowledge, I am neither registered nor intend to register to vote in another state or county.” Any applicant convicted of fraudulently applying for registration is guilty of perjury and is subject to the penalty for that offense.

B. Section 7‑5‑185(B)(5) of the S.C. Code is amended to read:

 (5) An application submitted pursuant to this section must contain the applicant's name, sex, race, social security number, date of birth, residence address, mailing address, telephone number of the applicant, political party affiliation or unaffiliated status, and location of prior voter registration. The applicant must affirm that he is not under a court order declaring him mentally incompetent, confined in a public prison, has never been convicted of a felony or offense against the election laws, or if previously convicted, that he has served his entire sentence, including probation and parole time, or has received a pardon for the conviction. Additionally, the applicant must attest to the following: “I do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next ensuing election, I will have attained the age of eighteen years and am a resident of South Carolina, this county, and of my precinct. I further swear (or affirm) that the present residence address listed herein is my sole legal place of residence and that I claim no other place as my legal residence.” An applicant convicted of fraudulently applying for registration is guilty of perjury and is subject to the penalty for that offense.

SECTION 3. Section 7‑13‑40 of the S.C. Code is amended to read:

 Section 7‑13‑40. (A) In the event that a party nominates candidates by party primary, a party primary must be held by the party and conducted by the State Election Commission and the respective county boards of voter registration and elections on the second Tuesday in June of each general election year, and a second and third primary each two weeks successively thereafter, if necessary. Written certification of the names of all candidates to be placed on primary ballots must be made by the political party chairman, vice chairman, or secretary to the State Election Commission or the county board of voter registration and elections whichever is responsible under law for preparing the ballot, not later than twelve o'clock noon on April fifth, or if April fifth falls on a Saturday or Sunday, not later than twelve o'clock noon on the following Monday. Political parties nominating candidates by party primary must verify the qualifications of those candidates prior to certification to the appropriate election commission of the names of candidates to be placed on primary ballots. The written verification required by this section must contain a statement that each candidate certified meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for office for which he has filed. A political party must not certify any candidate who does not or will not by the time of the general election, or as otherwise required by law, meet the qualifications for the office for which the candidate has filed, and such candidate's name shall not be placed on a primary ballot. The filing fees for all candidates filing to run in all primaries, except municipal primaries, must be transmitted by the respective political parties to the State Election Commission and placed by the executive director of the commission in a special account designated for use in conducting primary elections and must be used for that purpose. The filing fee for each office is one percent of the total salary for the term of that office or one hundred dollars, whichever amount is greater.

 (B) The state executive committee of a certified political party may, by resolution or party rules, require all persons who wish to appear on the ballot for that party’s partisan primary to be registered as affiliated with that political party pursuant to Section 7‑5‑200 for a period not to exceed forty‑five days prior to the opening of the applicable candidate filing period.

SECTION 4. The State Election Commission must establish a voter education program concerning the provisions contained in this legislation.

SECTION 5. Any changes to forms required by this act must be implemented as soon as possible, but not later than October 1, 2023.

SECTION 6. This act takes effect upon approval by the Governor and applies to all primaries conducted after March 31, 2024.

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